

REMARKS

Claims 3 and 8 have now been deleted and it is believed that this will remove the objections under points 1, 5, 6 and 7 of the Office Action.

As regards the section of the Office Action "Claim Rejections – 35 USC § 103", we have the following comments:

US 4 121 151 (to *Funk et al.*) discloses an analysis instrument for grain samples but lacks "a bottom container disposed under the test cell and having such an extension that grains removed from the test cell by the strike off element will fall into said container, means for unloading grains from the test cell into said container and means for weighing the container and its possible content". These last mentioned features are crucial features which designed so that the claimed grain moisture meter will be used in an advantageous new manner which is significantly simpler, and more accurate than the procedure possible with the device indicated in *Funk et al.*

While it is true that the analysis instrument according to *Funk et al.* uses a scraper to strike off excess grains when the test cell has been filled, there is no way of knowing how much excess grain weight there was when the test cell had been overfilled to insure complete filling. This variable overfilling, while necessary, is a factor which causes variation in the degree of packing of the sample and thus potentially significant variations in the test results. *Funk et al.* does not address this problem.

US 4 487 278 (*Rosenthal*) describes an analysis instrument, comprising many different complicated features to insure uniform packing. These features include baffles 35.

Rosenthal uses no uniform test cell. Rather the differential height of a column of grain is measured between turns of a dump wheel at the very bottom of the column of grain. Even though *Rosenthal* does describe using a weight scale to weigh the dumped grain at the bottom of the column, the system is of an entirely different, and significantly more complicated construction, than the simple design of the present invention.

Since *Rosenthal* does not show a strike off element for removing excess grains delivered to the test cell and thus has no bottom container disposed under the test cell and having such an extension that grains removed from the test cell by the strike off element will fall into said container. These missing elements of the present invention are not produced even by a theoretical combination of elements picked with hindsight from the two cited references.

The apparatus of the present invention has an ingenious construction enabling it to provide very accurate packing density corrected sample readings in an extremely simple manner allowing for unavoidable variations in the amount of overfill of the test cell.

It is submitted in view of the above arguments that Claim 1 is both novel and non-obvious over the cited prior art. No arguments for the novelty and non-obviousness of the sub-claims dependent on this main claim are therefore submitted at this time.

In the event there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of the application may be expedited.

A two month extension is hereby requested for which we have paid for.

No additional fees are believed to be due at this time however if necessary to effect a timely response the Commissioner is authorised to deduct the necessary fees from Deposit account No. 501249.

Respectfully Submitted,

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/Timothy Platt/

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